UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Keith Donald,

Case No. 2:25-cv-00016-APG-BNW

Plaintiff,

ORDER

Chris Lee, et al.,

v.

Defendants.

Plaintiff—who is currently incarcerated—submitted an application to proceed *in forma* pauperis ("IFP"). ECF No. 1.

Under the Local Rules, an incarcerated plaintiff seeking to proceed without paying the filing fee must complete an application to proceed IFP and attach "a certificate from the institution certifying the amount of funds currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six months before the date of submission of the application." LSR 1-2; see also 28 U.S.C. § 1915(a)(2) (requiring an incarcerated plaintiff seeking IFP status to submit "a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint . . ., obtained from the appropriate official of each prison at which the prisoner is or was confined."). If the plaintiff has been incarcerated at the institution for fewer than six months, the certificate must show the account's activity for the shortened period. LSR 1-2.

Here, plaintiff's IFP application is incomplete because it lacks a financial certificate from the institution where plaintiff is detained showing the amount of funds currently in plaintiff's trust account and the net deposits in the account for the six-months preceding plaintiff's application. Accordingly, the Court lacks the information necessary to resolve plaintiff's request to proceed IFP.

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Additionally, Plaintiff did not submit a complaint with his IFP application. Instead, he submitted a letter. However, for this Court to proceed with his case, he must submit a complaint.

To help Plaintiff file a properly formatted complaint, the Court now advises Plaintiff of the following requirements under the Federal Rules of Civil Procedure. Plaintiff is also advised that failure to comply with these rules when drafting and filing his amended complaint may result in this action being dismissed.

First, Plaintiff is advised that he must specify which claims he is alleging against which defendants. Although the Federal Rules of Civil Procedure adopt a flexible pleading policy, Plaintiff still must give defendants fair notice of each of the claims he is alleging against each defendant. Specifically, he must allege facts showing how each named defendant is involved and the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in plain language, what each defendant did to him and when. "While legal conclusions can provide the framework of a complaint, they must be supported with factual allegations." Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009).

Second, Plaintiff's amended complaint must be short and plain. The simpler and more concise Plaintiff's complaint, the easier it is for the Court to understand and screen it. The Federal Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff's amended complaint must contain "a short and plain statement of the claim showing that [Plaintiff] is entitled to relief." Fed. R. Civ. P. 8(a)(2). "Each allegation must be simple, concise, and direct." Fed. R. Civ. P. 8(d)(1). "A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b). "[E]ach claim founded on a separate transaction or occurrence . . . must be stated in a separate count." Id. Lastly, his complaint must be *legible*.

IT IS THEREFORE ORDERED that Plaintiff's Application to Proceed In Forma Pauperis (ECF No. 1) is DENIED without prejudice.

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IT IS FURTHER ORDERED that the Clerk of Court must send plaintiff a blank application to proceed *in forma pauperis* by an inmate as well as the accompanying instruction packet.

IT IS FURTHER ORDERED that the Clerk of Court send to Plaintiff the approved form for filing a § 1983 complaint and instructions for the same.

IT IS FURTHER ORDERED that by February 28, 2025, plaintiff must either: (1) file a complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments, or (2) pay the full \$405 fee for filing a civil action, which includes the \$350 filing fee and the \$55 administrative fee.

IT IS FURTHER ORDERED that by February 28, 2025, plaintiff must file a complaint.

IT IS FURTHER ORDERED that failure to timely comply with this order may result in a recommendation to the district judge that this case be dismissed. *See* LR IA 11-8.

DATED: January 7, 2025.

BRENDA WEKSLER

UNITED STATES MAGISTRATE JUDGE